



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,884	03/10/2004	Eugenio Mannella	67,167-003/5706-03	5075
<div>26/096 7590 10/24/2008 CARLSON, GASKEY &amp; OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009</div>				
EXAMINER				
BARRETT, SUZANNE LALE DINO				
ART UNIT		PAPER NUMBER		
3673				
MAIL DATE		DELIVERY MODE		
10/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte*: EUGENIO MANNELLA

---

Application No. 10/797,884  
Technology Center 3600

---

Mailed: October 24, 2008

---

Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**APPEAL BRIEF, CLAIMS APPENDIX**

A review of the Appeal Brief filed January 22, 2007 reveals that claim(s) 21 and 23 in the Claims appendix of the Appeal Brief are not in proper format and/or are not consistent as amended in the last entered amendment filed on February 21, 2006. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Specifically, claims 21 and 23 , as provided in the Brief's Claims Appendix, reads: “ 21. The lock assembly as recited in claim 17, wherein said male **end** is recessed within said plug”; and “23. The lock assembly as recited in claim 17, further comprising a retainer mountable to said male rear segment, said retainer mounted at least partially around said female end to axially **retaining** said spindle to said male rear segment ” .

However, in the last entered Amendment dated February 21, 2006, claim 21 and 23, and reads: “21. The lock assembly as recited in claim 17,

wherein said male **rear segment** is recessed within said plug”; and “23. The lock assembly as recited in claim 17, further comprising a retainer mountable to said male rear segment, said retainer mounted at least partially around said female end to axially **retain** said spindle to said male rear segment”. Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) correction of the Claims Appendix of the Brief filed January 22, 2007;
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/Ssc

Carlson, Gaskey & Olds, P.C.  
400 West Maple Road  
Suite 350  
Birmingham, MI 48009